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IAB # SH 2182908

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(By Homicide investigators)

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Deputy Guthrie
Deputy Hoo
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INVOLVED PERSONNEL AND WITNESS INTERVIEWS

(By IAB investigators)

Sergeant Cotto
Deputy Guthrie
Deputy Hoo
Deputy King
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Deputy Ponce

EXHIBITS

- A** - Homicide Investigation Book
- B** - Letter of Opinion by the Los Angeles County District Attorney's Office, dated January 11, 2008.
- C** - CD containing video coverage depicting a portion of the suspect's actions.

ATTACHMENTS

- A** - Crime scene diagram utilized by Sergeant Cotto during her IAB interview.
- B** - Crime scene diagram utilized by Deputy Guthrie during his IAB interview.
- C** - Crime scene diagram utilized by Deputy Hoo during his IAB interview.

- D** - Crime scene diagram utilized by Deputy King during his IAB interview.
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MISCELLANEOUS DOCUMENTS

Admonition forms.

Miscellaneous correspondence and related documents.

Los Angeles County Sheriff's Department

Officer Involved Shooting

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Report Date: 08-15-08		Bureau/Station/Facility: Cerritos Station		Admin. Invest.? <input type="checkbox"/> Hit? <input checked="" type="checkbox"/>	
Incident Information					
URN: 006-04549-2317-011		Date: October 31, 2006		Time: 0806 hours	
City or Station: Cerritos Station		Nature of Incident: Deputies responded to location re "Person Down" call and found the victim shot to death and the suspect (Valdivia) shot at responding deputies. Five deputies returned fire and killed S/Valdivia.			
Location: 17785 Center Court Dr. Cerritos					
Location Type (circle one or more): Backyard Beach <u>Business</u> Freeway Industrial Park <u>Parking Lot</u> Residence Rural School Street Other: _____	Lighting (circle only one): Darkness <u>Daylight</u> Other Street Lights	Incident Type (circle one or more): Accidental <u>Armed Person</u> Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Stalker Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other: _____		Initiated by (circle only one): Arrest Warrant <u>Call</u> Observation One Person Unit Other Search Warrant Two Person Unit	
	Weather (circle only one): <u>Clear</u> Cloudy Fog Rain			Prior Activity (circle only one): Detective Inmate Transport Other <u>Routine Patrol</u>	
	Distance: <u>B/T 40 & 80 feet</u>				
	Total # of Shots Fired by Deputy 42	Total # of Shots Fired by Suspect Unknown			Aero Unit? <input checked="" type="checkbox"/> Canine Unit? <input checked="" type="checkbox"/>
Employee Witnesses					
Employee # [Redacted]	Last Name Cotto	First Name Deborah	M.I. A.	ShiftTime (circle only one): EM PM <u>Day</u>	ShiftType (circle only one): <u>Regular</u> Overtime Off Duty
Employee # [Redacted]	Last Name Mades	First Name Raymond	M.I. A.	ShiftTime (circle only one): EM PM <u>Day</u>	ShiftType (circle only one): <u>Regular</u> Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Non-Employee Witnesses					
Last Name ***See Homicide Investigation Book - Exhibit A***		First Name		M.I.	
Street Address		City		Zip Code	Work Ph Home Ph
Last Name		First Name		M.I.	
Street Address		City		Zip Code	Work Ph Home Ph
Last Name		First Name		M.I.	
Street Address		City		Zip Code	Work Ph Home Ph
Supervisors					
Employee # [Redacted]	Last Name Cotto	First Name Deborah	M.I. A.	(circle one or more): <u>On Duty</u> <u>Witness to shooting</u> <u>Present during shooting</u> <u>Involved in shooting</u>	
Employee #	Last Name	First Name	M.I.	(circle one or more): On Duty <u>Witness to shooting</u> Present during shooting <u>Involved in shooting</u>	
Watch Sergeant					
Employee # [Redacted]	Last Name Cotto	First Name Deborah	M.I. A.		
Watch Commander					
Employee # [Redacted]	Last Name Esson	First Name Robert	M.I. C.		

PSTD Use Only
SH # _____

Officer Involved Shooting Involved Employee Information

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Involved Employees

E 1	Employee #	Last Name Morning	First Name Corey	M.I. L.
Sex: M		Race: B		Rank: Deputy Sheriff
Unit Assignment: Cerritos Station		Work Assignment (Unit #, Module, etc.): 232		
Shift Time (circle only one): EM PM Day		Shift Type (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case #
Hrs of sleep prior to shooting: 6 to 8		Duty Time (hrs):		Other Factors:
Age: 508		Height: 185		Weight: 185
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used?		Patrol Certification?		Certification Unit:
Weapons Fired Brand: Beretta		Caliber: 9mm		# Shots: 31
Field Training Officer Emp #		Last Name		First Name
Field Training Officer Emp #		Last Name		First Name

E 2	Employee #	Last Name King	First Name Aaron	M.I. W.
Sex: M		Race: W.		Rank: Deputy Sheriff
Unit Assignment: Cerritos Station		Work Assignment (Unit #, Module, etc.): 234D		
Shift Time (circle only one): EM PM Day		Shift Type (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case #
Hrs of sleep prior to shooting: 8		Duty Time (hrs):		Other Factors:
Age: 602		Height: 240		Weight: 240
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used?		Patrol Certification?		Certification Unit:
Weapons Fired Brand: Colt		Caliber: 223		# Shots: 2
Field Training Officer Emp #		Last Name		First Name
Field Training Officer Emp #		Last Name		First Name

E 3	Employee #	Last Name Guthrie	First Name Andrew	M.I. J.
Sex: M		Race: W.		Rank: Deputy Sheriff
Unit Assignment: Cerritos Station		Work Assignment (Unit #, Module, etc.): 234		
Shift Time (circle only one): EM PM Day		Shift Type (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case #
Hrs of sleep prior to shooting: 7		Duty Time (hrs):		Other Factors:
Age: 601		Height: 280		Weight: 280
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used?		Patrol Certification?		Certification Unit:
Weapons Fired Brand: Beretta		Caliber: 9mm		# Shots: 5
Field Training Officer Emp #		Last Name		First Name
Field Training Officer Emp #		Last Name		First Name

Officer Involved Shooting Involved Employee Information

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Involved Employee

E 4	Employee #	Last Name Hoo	First Name Mark	M.I.
Sex: M	Race: A	Rank: Deputy Sheriff	Unit Assignment: Cerritos Station	Work Assignment (Unit #, Module, etc.): 230M2
Shift Time (circle only one): EM PM Day		Shift Type (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>
Hrs of sleep prior to shooting: 6 to 8		Duty Time (hrs):		Other Factors:
Age: 508	Height: 176	Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Raid Jacket no Vest Uniform w/ Vest		
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/>
Field Training Officer Emp #	Last Name	First Name	M.I.	
Field Training Officer Emp #	Last Name	First Name	M.I.	

E 5	Employee #	Last Name Ponce	First Name Jess	M.I. V.
Sex: M	Race: W	Rank: Deputy Sheriff	Unit Assignment: Cerritos Station	Work Assignment (Unit #, Module, etc.): 230M1
Shift Time (circle only one): EM PM Day		Shift Type (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>
Hrs of sleep prior to shooting: 5 to 6		Duty Time (hrs):		Other Factors:
Age: 600	Height: 218	Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Raid Jacket no Vest Uniform w/ Vest		
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/>
Field Training Officer Emp #	Last Name	First Name	M.I.	
Field Training Officer Emp #	Last Name	First Name	M.I.	

E	Employee #	Last Name	First Name	M.I.
Sex:	Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
Shift Time (circle only one): EM PM Day		Shift Type (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>
Hrs of sleep prior to shooting:		Duty Time (hrs):		Other Factors:
Age:	Height:	Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Raid Jacket no Vest Uniform w/ Vest		
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/>
Field Training Officer Emp #	Last Name	First Name	M.I.	
Field Training Officer Emp #	Last Name	First Name	M.I.	

Officer Involved Shooting Suspect Information

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Suspect Information

S 1	Last Name: Valencia		First Name: Alfredo		M.I.
	AKA Last Name:		First Name:		M.I.
Sex: M Race: H		Street Address:		City:	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:		Driver's License #:
Age: 31 D.O.B. 03-15-68		Height: 605	Weight: 140	FBI #:	CII #:
Booking #:		Primary Charge:		Secondary Charge:	
Coroner Case? <input checked="" type="checkbox"/>		Coroner Case # 2006 - 08353		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Armed? <input checked="" type="checkbox"/>		Apprehended? <input type="checkbox"/>		Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.
	AKA Last Name:		First Name:		M.I.
Sex: Race:		Street Address:		City:	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:		Driver's License #:
Age: D.O.B.		Height:	Weight:	FBI #:	CII #:
Booking #:		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #:		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.
	AKA Last Name:		First Name:		M.I.
Sex: Race:		Street Address:		City:	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:		Driver's License #:
Age: D.O.B.		Height:	Weight:	FBI #:	CII #:
Booking #:		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #:		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.
	AKA Last Name:		First Name:		M.I.
Sex: Race:		Street Address:		City:	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:		Driver's License #:
Age: D.O.B.		Height:	Weight:	FBI #:	CII #:
Booking #:		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #:		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>
Vehicle Make:		Model:		Year:	



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

January 11, 2008

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 06-0684
L.A.S.D. File# 006-04549-2317-011

Dear Captain Curtis:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 31, 2006, fatal shooting of Alfredo Rivera Valdivia by Los Angeles County Sheriff's Deputies Corey Morning, Andrew Guthrie, Aaron King, Jess Ponce, and Mark Hoo. We have concluded that the deputies acted lawfully in self-defense and in the defense of others.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD) submitted to this office by Detective Steve Lankford and Sergeant Jeff Cochran on September 13, 2007. The District Attorney Command Center was notified of the shooting at approximately 9:25 a.m. on October 31, 2006. The District Attorney Response Team, comprised of Deputy District Attorney Gilbert Wright and District Attorney Senior Investigator [REDACTED] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk through" of the scene. Compelled statements were not considered as part of this analysis.

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Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888

FACTUAL ANALYSIS

On October 31, 2006 at approximately 8:06 a.m., Deputies Corey Morning, Andrew Guthrie, Aaron King, Jess Ponce and Mark Hoo of the LASD, Cerritos Station responded to an assault with a deadly weapon call at 17785 Towne Center Drive in the city of Cerritos. This location is a business complex with a large parking lot adjacent to the building and numerous vehicles parked in the stalls.

As Deputy Morning arrived at the location he was directed by a group of bystanders to a green SUV¹ vehicle that was parked in the lot. As he approached the vehicle he noticed some feet on the ground as though someone was laying on the ground between the driver side of the green SUV and a white vehicle parked next to the SUV². Deputy Morning exited his vehicle and began to walk towards the person on the ground. He had just walked around the driver side door of his vehicle when he heard people yelling "Deputy, he's got a gun, watch out, he's behind the green SUV."

Morning un-holstered his weapon and was facing the person down on the ground when Alfredo Valdivia appeared from behind the passenger side of the green SUV. Valdivia pointed a hand gun and began shooting at Deputy Morning. Morning retreated and ran to the back of his vehicle. Fearing for his life he fired his weapon towards the suspect. Valdivia did not retreat, but instead chased after Deputy Morning. In order to gain distance between himself and Valdivia, Morning retreated from the back of his vehicle and ran in a southwest direction from his vehicle. Valdivia continued to chase after Deputy Morning. Morning fired his weapon towards Valdivia as he tried to run away from him.

Deputy Morning took cover behind a tree and reloaded his weapon. He observed Valdivia sitting inside the passenger side of the green SUV. Valdivia appeared to be either reloading his weapon or clearing a jam in the receiver of the handgun. Morning fired his handgun approximately four to five more times at the suspect from this location. He saw Valdivia duck down and then lost sight of him. Valdivia would pop his head up from behind the SUV and look in the direction of Deputy Morning. Deputy Morning felt that Valdivia was trying to locate his position.

Other deputies began to arrive at the scene. Deputy Morning observed Deputy Guthrie arrive and stop his vehicle north of his position. He heard deputies yell at Valdivia to drop his gun. Morning left his position from behind the tree and ran back to the rear of his patrol car. He then began to make his way towards the green SUV where he observed Valdivia crouched down on the passenger side of the SUV near the front tire. The suspect was on one knee with his back towards Deputy Morning. Valdivia appeared to be working on his gun, either clearing a jam or reloading. Morning knew that other deputies had arrived and were northwest of Valdivia's location. He believed Valdivia was extremely dangerous and was going to shoot and kill a deputy. Morning fired his weapon four to five times at Valdivia as he was kneeling down and working on his gun.

¹ Sports Utility Vehicle. The vehicle is a 1997 Ford Expedition.

² This person was identified as [REDACTED] the [REDACTED] of Alfredo Valdivia.

Alfredo Valdivia stood up with his gun in his hand and began to walk away from Deputy Morning across a green belt area next to the SUV towards the other deputies who had arrived at the scene. Deputies Guthrie, Hoo, King and Ponce arrived at the scene aware that Valdivia had shot at Deputy Morning. The deputies took positions of cover and shot at Valdivia. Morning heard deputies yell at Valdivia to "drop the gun." He then heard gunfire. Morning ran towards the patrol car where the rest of the deputies were located. He observed Valdivia down on one knee still holding his handgun and pointing it. He heard deputies yell at Valdivia to drop the gun. He then heard a few more shots and observed Valdivia fall to the ground. Although Valdivia was down on the ground he was still trying to hold up his handgun. Deputy Morning and other deputies then used a protective shield to approach, disarm Valdivia and handcuff him.

Alfredo Valdivia was pronounced dead at the scene without any medical intervention at 8:22 a.m. Valdivia sustained multiple gunshot wounds to the body³. A toxicology test indicated no presence of alcohol or narcotics. [REDACTED] was taken to La Palma Intercommunity Hospital and pronounced dead at 9:05 a.m. [REDACTED] sustained multiple gunshot wounds to the body. Toxicology test indicated no presence of alcohol or narcotics in the body of [REDACTED]

Investigators learned that Alfredo Valdivia and [REDACTED] had been [REDACTED] for several years before [REDACTED] in June 2006. Angry that his [REDACTED] was requesting child support, Valdivia began threatening and harassing her. [REDACTED] obtained a restraining order against Valdivia. On the day of the shooting Valdivia drove to [REDACTED] place of employment to confront her. Based on several eye witness interviews, it appears that Valdivia and [REDACTED] were sitting in the green Ford Expedition when Valdivia shot her. [REDACTED] exited the vehicle and collapsed on the ground next to the driver side door of the SUV. Upon Deputy Morning's arrival, and as he approached [REDACTED] Valdivia exited the passenger side of the SUV and began to shoot at Deputy Morning.

CONCLUSION

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonable believed he or others were in imminent danger of great bodily injury or death. People v. Williams, (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. California Jury Instructions-Criminal 5.30 and 5.31

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins, (1961) 189 Cal. App. 2d 575.

³ An autopsy was performed by Dr. Djabourian ascribing the cause of death to multiple gunshot wounds. Valdivia suffered eleven gunshot sounds. Four of them fatal.

Captain James Curtis
January 11, 2008
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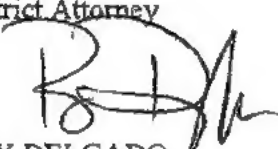
The evidence examined in this investigation shows that Alfredo Valdivia shot and killed his [REDACTED] [REDACTED] When deputies arrived, Valdivia chose to engage the deputies in a gun battle rather than surrender. In fear for their own lives and the lives of others in the area, the deputies responded with deadly force, ending the threat.

We conclude that Deputies Morning, Guthrie, Hoo, King and Ponce acted reasonable and lawfully in self-defense and in defense of others when they used deadly force against Alfredo Valdivia. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By


ROY DELGADO
Deputy District Attorney
(213) 974-3888

c: Deputy Corey Morning, # [REDACTED]
Deputy Andrew Guthrie, # [REDACTED]
Deputy Mark Hoo, # [REDACTED]
Deputy Andy King, # [REDACTED]
Deputy Jess Ponce, # [REDACTED]